

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants Dennis Wahr et al.
 Application No. : 09/870,813 Confirmation No. : 1270
 Filed : June 1, 2001
 For : CLOSURE DEVICES, RELATED DELIVERY
 METHODS AND TOOLS, AND RELATED METHODS
 OF USE
 Examiner : Gary Jackson
 Group Art Unit : 3734

New York, New York 10020
 December 18, 2006

Mail Stop 313(c)
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

RECEIVED

DEC 18 2006

OFFICE OF PETITIONS

PETITION FOR WITHDRAWAL FROM ISSUE
UNDER 37 C.F.R. § 1.313(c)(2)

Sir:

Pursuant to 37 C.F.R. § 1.313(c)(2), applicants
 hereby petition to withdraw the above-identified patent
 application from issue. 37 C.F.R. § 1.313 states in relevant
 part that:

12/19/2006 CKHLOK 00000009 061075 09870813
 01 FC:1464 130.00 DA

(c) Once the issue fee has been
 paid, the application will not
 be withdrawn from issue upon
 petition by the applicant for
 any reason except:

* * *

(2) Consideration of a request
 for continued examination in
 compliance with § 1.114;

Applicants paid the issue fee on March 30, 2006.

Applicants request that the application be withdrawn from issue to permit: (1) consideration of a Request for Continued Examination ("RCE") of this application under 37 C.F.R. § 1.114 (filed concurrently herewith) and (2) consideration in the RCE of a Ninth Supplemental Information Disclosure Statement (filed concurrently herewith). Thus, applicants have satisfied the requirements of 37 C.F.R. § 1.313(c)(2).

In the accompanying Request for Continued Examination (filed in duplicate herewith), the Director is authorized to charge the amount of \$790.00, in payment of the filing fee set forth in 37 C.F.R. § 1.17(e) for the RCE; \$130.00, in payment of the fee set forth in 37 C.F.R. § 1.17(h) for consideration of this Petition; and any additional fee required in connection with this Petition, or any of the papers filed herewith, or to credit any overpayment of same, to Deposit Account No. 06-1075, Order No. 000293-0088-101.

Accordingly, applicants request that this Rule 313(c)(2) Petition be granted and the above-identified application be withdrawn from issue in favor of the RCE (filed concurrently herewith), in order to reopen prosecution and allow consideration of the Ninth Supplemental Information Disclosure Statement (filed concurrently herewith).

Respectfully submitted,



Bryan E. Mack
Registration No. 57,189
Agent for Applicants
Fish & Neave IP Group
Ropes & Gray LLP
Customer No. 1473
1251 Avenue of the Americas
New York, New York 10020-1105
Tel.: (212) 596-9000
Fax.: (212) 596-9090